

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM PATRICK MIDDLETON,

No. 3:19-CV-01594

Petitioner,

(Judge Brann)

v.

WARDEN, SCI ALBION, *et al.*,

Respondents.

ORDER

DECEMBER 2, 2020

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Petitioner's second amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, Doc. 17, is **DISMISSED WITHOUT PREJUDICE** as untimely;
2. Petitioner's motion for summary judgment, Doc. 42, is **DENIED AS MOOT**;
3. Petitioner shall have thirty (30) days from the date of this Order to present the Court with any argument he cares to advance regarding equitable tolling. Failure to do so shall result in the second amended petition being dismissed with prejudice; and
4. A certificate of appealability shall not issue.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge